

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CURTIS SMITH,

Plaintiff(s),

VS.

KILOLO KIJAKAZI,
Commissioner of Social Security
Administration,

Defendant(s).

Case No. 4:21-CV-846 SRW

MEMORANDUM AND ORDER

This matter is before the Court on the Commissioner Kilolo Kijakazi's Motion to Reverse and Remand this case for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). ECF No. 28. The Court has jurisdiction over the subject matter of this action under § 405(g). The parties have consented to the exercise of authority by the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). Plaintiff filed a response stating he has no objection to the Commissioner's motion. ECF No. 29.

On July 13, 2021, Plaintiff filed a Complaint seeking review of the Commissioner's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. ECF No. 1. The Commissioner filed the transcript of the administrative proceedings on October 27, 2021. ECF No. 14. Plaintiff filed a brief in support of the complaint on March 29, 2022. ECF No. 23. Plaintiff argues the ALJ erred by failing to support the RFC with substantial evidence, and by improperly evaluating the opinion evidence in the record as well as his subjective symptoms. *Id.*

On June 3, 2022, the Commissioner filed the instant Motion to Reverse and Remand this case for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The Commissioner represents that upon review of the record, agency counsel determined remand was necessary for further evaluation of Plaintiff’s Title XVI claims. ECF No. 28 at 1. The Commissioner asserts that on remand,

the Appeals Council will instruct the Administrative Law Judge to offer the claimant an opportunity for a hearing regarding his Title XVI claim; consider the evidence submitted to the Appeals Council; further evaluate Plaintiff’s residual functional capacity, including further discussion of the limitations related to Plaintiff’s seizure disorder; and, if warranted, obtain supplemental vocational expert evidence.

Id.

Upon review of Plaintiff’s brief in support of his complaint, the ALJ’s decision, the Commissioner’s motion, and the Plaintiff’s response, the Court agrees with the Commissioner that this case should be reversed and remanded pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further evaluation of Plaintiff’s Title XVI claims.

Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand [ECF No. 28] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner is **REVERSED**.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further consideration.

So Ordered this 6th day of June, 2022.



STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE